

# **Anti-Trust Guidelines for Post 2006 Initiative**

The purpose of anti-trust statutes is to preserve a free and competitive economy. As a result, laws generally prohibit any agreement or combination among competitors that unreasonably restrain trade.

Participation in the Post 2006 Initiative does not constitute an anti-trust violation. Stakeholders may legitimately meet and discuss matters concerning their industry, provided they do so without a specific and continuing purpose, understanding or agreement to pursue actions tending to unreasonably restrict commerce. Activities ordinarily considered appropriate for discussion include:

- Reports on general and industry economic trends;
- Research and demonstrations of technology relating to the solution of industry problems;
- Demonstrations of cost control methods by which member companies can become more efficient; and
- Reports on governmental developments and their impact on the industry.

Meetings, however, afford obvious opportunities for anti-trust transgressions. Lawful workshop activities may constitute forbidden conduct if they in any way result in explicit or tacit agreements that fix, raise, lower, or stabilize prices, limit production, allocate markets, establish discriminatory standards, or otherwise unreasonably restrain free trade.

It is a Post 2006 Initiative policy to conduct activities in strict compliance with all applicable anti-trust laws and to avoid any appearance of impropriety. This requires the efforts and cooperation of all stakeholders. The following guidelines are intended to prevent the initiation of inappropriate discussions or actions:

1. **Do not engage in discussions or activities that may tend to:**
  - a) Fix or otherwise restrict the prices charged or paid for goods or services;
  - b) Allocate markets, sales territories or customers between members;
  - c) Initiate or encourage boycotts of specific products or services, or refusals to deal with designated customers or suppliers;
  - d) Limit production levels of members and otherwise restrict the availability of products or services;
  - e) Purposely hinder or disparage the competitive efforts of non-members;
  - f) Coerce or encourage members to refrain from competing;
  - g) Limit, impede or exclude anyone of the manufacture, production or sale of goods or services;
  - h) Promulgate or encourage unfair or misleading practices involving advertising, merchandising of products or services; or

- i) Condition or tie the purchase of one product or service to the purchase of another product or service, especially where the seller has some unique ability as to the first product or service which gives him the leverage to coerce the buyer into purchasing the second product or service.
- 2. **Do not discriminate against competitors when:**
  - a) Developing standards or specifications for products or services;
  - b) Setting standards of conduct; or
  - c) Dealing with customer credit information.
- 3. **Do not exchange data concerning prices, production levels and costs, or customer credit,** however, the exchange of past data (as distinguished from future data) does not in itself constitute a violation of anti-trust laws if the past data reflects composite or average figures without identifying a company or if the past data is from public sources.
- 4. **Do not participate in the dissemination of suggested price lists of members.**
- 5. **Do not participate in informal “rump sessions” outside the formal sessions which disregard these guidelines.**

The above guidelines are not intended and should not be understood as a comprehensive summary of all anti-trust problem areas. These guidelines are intended to familiarize members with the broad contours of anti-trust prohibitions so that the anti-trust compliance policies are achieved.

If a conversation or activity such as those listed above begins, **STOP IT IMMEDIATELY! BE AWARE THAT THESE GUIDELINES ALSO APPLY TO CASUAL DISCUSSIONS THAT OCCUR OUTSIDE OF FORMAL SESSIONS.** If there are any questions concerning the application of anti-trust laws, the area should not be discussed without first reviewing it with legal counsel.